

DISTRICT OF COLUMBIA
DOH Office of Adjudication and Hearings
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DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

CHESAPEAKE CHARTER, INC.
Respondent

Case No.: I-00-10346

ORDER DISMISSING CASE

On June 19, 2000, the Government issued two Notices of Infraction (NOI 00-10036 and NOI 00-10039), charging that two of Respondent's buses idled their engines for more than three minutes in violation of 20 DCMR 900.1. On July 6, 2000, Respondent filed a timely plea of Admit with Explanation to both Notices of Infraction, and submitted one explanation applicable to both notices. On July 19, 2000, the Clerk's office inadvertently issued a default order in Case No. I-00-10039, imposing a statutory penalty for failure to file a timely answer in that case, and ordering the Government to serve a second Notice of Infraction. On July 28, 2000, this administrative court issued a Final Order in Cases I-00-10036 and I-00-10039. In addition to imposing a fine, that final order took note of the erroneous issuance of a default order in Case I-00-10039, and vacated that order, including the portion ordering the issuance of a second Notice of Infraction. On July 31, 2000, however, apparently unaware of the July 28 order, the Government served NOI 00-10346, a second Notice of Infraction relating to the violation charged in NOI 00-10039.

Because Respondent had filed a timely plea to NOI 00-10039, no second Notice of Infraction should have been issued. Accordingly, the second notice will be dismissed, but Respondent will remain liable for the fine imposed by the July 28 order.

Therefore, for the reasons stated above, it is, this _____ day of _____, 2000:

ORDERED, that Notice of Infraction 00-10346 is **DISMISSED**; and it is further

ORDERED, that Respondent remains liable for the fine of \$1,000.00 imposed by this administrative court in its order of July 28, 2000 and its order of August 15, 2000, denying Respondent's motion for reconsideration.

/s/ **8-21-00**

John P. Dean
Administrative Judge